

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES – GENERAL

Case No. **2:25-cv-04174-MCS-AGR** Date July 24, 2025

Title ***Deckers Outdoor Corporation v. Costco Wholesale Corporation***

Present: The Honorable Mark C. Scarsi, United States District Judge

Stephen Montes Kerr

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

Proceedings: (IN CHAMBERS) ORDER RE: MOTION TO DISMISS (ECF No. 19)

Defendant Costco Wholesale Corporation filed a motion to dismiss Plaintiff Decker Outdoor Corporation’s complaint. (Mot., ECF No. 19.) The Court deems the motion appropriate for decision without oral argument. Fed. R. Civ. P. 78(b); C.D. Cal. R. 7-15.

After Defendant filed the motion, Plaintiff filed an amended complaint as a matter of course. (FAC, ECF No. 23); *see* Fed. R. Civ. P. 15(a)(1). Accordingly, the motion is denied as moot. *See, e.g., Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992) (“[A]fter amendment the original pleading no longer performs any function and is treated thereafter as non-existent” (internal quotation marks omitted)); *Andreatta v. Eldorado Resorts Corp.*, 214 F. Supp. 3d 943, 949 n.1 (D. Nev. 2016) (denying as moot motion to dismiss complaint subsequently amended as a matter of course).

IT IS SO ORDERED.